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PTO/SB/21 (09-04)

	Application Number	10/787,532
	Filing Date	February 25, 2004
	First Named Inventor	Malecki, William
	Art Unit	3731
	Examiner Name	Unassigned
	Attorney Docket Number	022128-000130US
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard PTO/SB/08A & PTO/SB/08B 56 Reference Copies
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	James M. Heslin		
Date	July 15, 2005	Reg. No.	29,541

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PATENT
Attorney Docket No.: 022128-000130US

Commissioner for Patents
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On

7-15-05

TOWNSEND and TOWNSEND and CREW LLP

By:

Jennifer O'Brien
Jennifer O'Brien

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

William Malecki et al.

Application No.: 10/787,532

Filed: February 25, 2004

For: ENERGY BASED DEVICES AND
METHODS FOR TREATMENT OF
PATENT FORAMEN OVALE

Examiner: Unassigned

Art Unit: 3731

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER 37
CFR §1.97 and §1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references [in compliance with the requirements of 1287 OG 163] are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

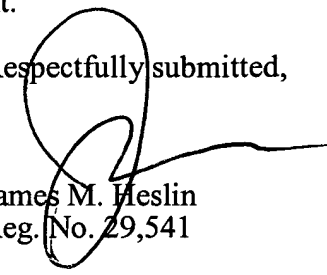
As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



James M. Heslin
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
JMH:tfw
60537733 v1

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 8

Complete if Known

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Examiner Name	Unassigned
Attorney Docket Number	022128-000130US

U.S. PATENT DOCUMENTS*

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	1	2,275,167	03-03-1942	Bierman	
	2	2,888,928	06-02-1959	Seiger	
	3	3,490,442	01-20-1970	Streu	
	4	3,906,955	09-23-1975	Roberts	
	5	4,307,720	12-29-1981	Weber, Jr.	
	6	4,326,529	04-27-1982	Doss et al.	
	7	4,473,077	09-25-1984	Noiles et al.	
	8	4,485,817	12-04-1984	Swiggett	
	9	4,562,838	01-07-1986	Walker	
	10	4,682,596	07-28-1987	Bales et al.	
	11	4,832,048	05-23-1989	Cohen	
	12	4,884,567	12-05-1989	Elliot et al.	
	13	4,911,159	03-27-1990	Johnson et al.	
	14	4,919,129	04-24-1990	Weber, Jr. et al.	
	15	4,976,711	12-11-1990	Parins et al.	
	16	4,986,889	01-22-1991	Charamathieu et al.	
	17	5,042,707	08-27-1991	Taheri	
	18	5,055,100	10-08-1991	Olsen	
	19	5,057,107	10-15-1991	Parins et al.	
	20	5,071,417	12-10-1991	Sinofsky	
	21	5,071,418	12-10-1991	Rosenbaum	
	22	5,078,717	01-07-1992	Parins et al.	
	23	5,099,827	03-31-1992	Melzer et al.	
	24	5,125,928	06-30-1992	Parins et al.	
	25	5,156,608	10-20-1992	Troidl et al.	
	26	5,156,613	10-20-1992	Sawyer	
	27	5,171,311	12-15-1992	Rydell	
	28	5,195,959	03-23-1993	Smith	
	29	5,196,007	03-23-1993	Ellman et al.	
	30	5,197,963	03-30-1993	Parins	
	31	5,207,670	05-04-1993	Sinofsky	
	32	5,209,756	05-11-1993	Seedhom et al.	
	33	5,290,278	03-01-1994	Anderson	
	34	5,295,955	03-22-1994	Rosen et al.	
	35	5,300,065	04-05-1994	Anderson	
	36	5,336,221	08-09-1994	Anderson	
	37	5,336,252	08-09-1994	Cohen	
	38	5,342,413	08-30-1994	Hirschberg et al.	
	39	5,345,935	09-13-1994	Hirsch	
	40	5,370,675	12-06-1994	Edwards et al.	
	41	5,405,322	04-11-1995	Lennox et al.	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known	
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			Art Unit	3731
Examiner Name	Unassigned			
Sheet 2	of 8	Attorney Docket Number	022128-000130US	

U.S. PATENT DOCUMENTS+					
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		Number Kind Code ² (if known)			
	42	5,409,479	04-25-1995	Dew et al.	
	43	5,409,481	04-25-1995	Poppas et al.	
	44	5,500,012	03-19-1996	Brucker et al.	
	45	5,507,744	04-16-1996	Tay et al.	
	46	5,540,677	07-30-1996	Sinofsky	
	47	5,569,239	10-29-1996	Sinofsky	
	48	5,571,216	11-05-1996	Anderson	
	49	5,575,772	11-19-1996	Lennox	
	50	5,584,872	12-17-1996	Lafontaine et al.	
	51	5,611,794	03-18-1997	Sauer et al.	
	52	5,662,643	09-02-1997	Kung et al.	
	53	5,665,109	09-09-1997	Yoon	
	54	5,669,934	09-23-1997	Sawyer	
	55	5,713,891	02-03-1998	Poppas	
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	57	5,730,742	03-24-1998	Wojciechowicz	
	58	5,749,895	05-12-1998	Sawyer et al.	
	59	5,782,899	07-21-1998	Imran	
	60	5,814,065	09-29-1998	Diaz	
	61	5,824,015	10-20-1998	Sawyer	
	62	5,827,265	10-27-1998	Glinsky et al.	
	63	5,846,196	12-08-1998	Siekmeyer et al.	
	64	5,855,312	01-05-1999	Toledano	
	65	5,871,443	02-16-1999	Edwards et al.	
	66	5,925,078	07-20-1999	Anderson	
	67	5,931,165	08-03-1999	Reich et al.	
	68	5,944,738	08-31-1999	Amplatz et al.	
	69	5,972,023	10-26-1999	Tanner et al.	
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	71	6,004,316	12-21-1999	Laufer	
	72	6,036,699	03-14-2000	Andreas et al.	
	73	6,056,760	05-02-2000	Koike et al.	
	74	6,063,081	05-16-2000	Mulier	
	75	6,083,223	07-04-2000	Baker	
	76	6,086,586	07-11-2000	Hooven	
	77	6,087,552	07-11-2000	Gregory	
	78	6,132,429	10-17-2000	Baker	
	79	6,149,660	11-21-2000	Laufer et al.	
	80	6,156,032	12-05-2000	Lennox	
	81	6,168,594	01-02-2001	Lafontaine	
	82	6,221,068	04-24-2001	Fried et al.	
Examiner Signature				Date Considered	

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60537733 v1

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			Art Unit	3731
Examiner Name	Unassigned			
Sheet 3	of 8	Attorney Docket Number	022128-000130US	

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Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	83	6,257,241	07-10-2001	Wampler	
	84	6,290,674	09-18-2001	Roue et al.	
	85	6,323,037	11-27-2001	Lauto et al.	
	86	6,391,049	05-21-2002	McNally et al.	
	87	6,398,779	06-04-2002	Buysee et al.	
	88	6,398,797	06-04-2002	Bombard et al.	
	89	6,401,720	06-11-2002	Stevens et al.	
	90	6,419,669	07-16-2002	Frazier et al.	
	91	6,436,088	08-20-2002	Frazier et al.	
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	93	6,458,100	10-01-2002	Roue et al.	
	94	6,482,224	11-19-2002	Michler et al.	
	95	6,514,250	02-04-2003	Jahns et al.	
	96	6,558,314	05-06-2003	Adelman et al.	
	97	6,562,037	05-23-2003	Paton et al.	
	98	6,583,117	06-24-2003	Owen et al.	
	99	6,584,360	06-24-2003	Francischelli et al.	
	100	6,589,237	07-08-2003	Woloszko	
	101	6,606,523	08-12-2003	Jenkins	
	102	6,641,604	11-04-2003	Adelman	
	103	6,645,202	11-11-2003	Pless et al.	
	104	6,645,225	11-11-2003	Atkinson	
	105	6,648,897	11-18-2003	Hamilton	
	106	6,652,518	11-25-2003	Wellman	
	107	6,669,693	12-30-2003	Friedman	
	108	6,682,546	01-27-2004	Amplatz	
	109	6,702,835	03-09-2004	Ginn	
	110	6,712,804	03-30-2004	Roue et al.	
	111	6,712,836	03-30-2004	Berg et al.	
	112	6,716,211	04-06-2004	Mulier et al.	
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	115	6,755,790	06-29-2004	Stewart et al.	
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	117	6,846,319	01-25-2005	Ginn et al.	
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	119	2001/0037129	11-01-2001	Thill	
	120	2002/0128672	09-12-2002	Dinger et al.	
	121	2002/0143322	10-03-2002	Haghighi	
	122	2003/0028189	02-06-2003	Woloszko et al.	
	123	2003/0045893	03-06-2003	Ginn	

Examiner Signature	Date Considered
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		Number Kind Code ² (if known)			
	124	2003/0050665	03-13-2003	Ginn	
	125	2003/0065364	04-03-2003	Wellman et al.	
	126	2003/0069570	04-10-2003	Witzel	
	127	2003/0078578	04-24-2003	Truckai et al.	
	128	2003/0093071	05-15-2003	Hauck et al.	
	129	2003/0120268	06-26-2003	Bertolero et al.	
	130	2003/0144652	07-31-2003	Baker et al.	
	131	2003/0144694	07-31-2003	Chanduszko et al.	
	132	2003/0158551	08-21-2003	Paton et al.	
	133	2003/0225421	12-04-2003	Peavey et al.	
	134	2003/0233091	12-18-2003	Whayne et al.	
	135	2004/0098031	05-20-2004	Van der Burg et al.	
	136	2004/0098042	05-20-2004	Devellian et al.	
	137	2004/0102721	05-27-2004	Mckinley	
	138	2004/0143292	07-22-2004	Marino et al.	
	139	2004/0153057	08-05-2004	Davison	
	140	2004/0153098	08-05-2004	Chin et al.	
	141	2004/0176799	09-09-2004	Chanduszko et al.	
	142	2004/0220596	11-04-2004	Frazier et al.	
	143	2004/0249398	09-04-2004	Ginn	
	144	2005/0021059	01-27-2005	Cole et al.	
	145	2005/0033288	02-10-2005	Auth et al.	
	146	2005/0033327	02-10-2005	Gainor et al.	
	147	2005/0055050	03-10-2005	Alfaro	
	148	2005/0065506	03-24-2005	Phan	
	149	2005/0065509	03-24-2005	Coldwell et al.	
	150	2005/0070923	03-31-2005	Mcintosh	
	151	2005/0119675	06-02-2005	Adams et al.	
	152	RE33925	05-12-1992	Bales et al.	

FOREIGN PATENT DOCUMENTS								
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		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	153	EP	135840	A2	04-13-1985	Nelcor Incorp.		<input type="checkbox"/>
	154	EP	199694	A2	10-29-1986	Astra-Tech Aktiebolag		<input type="checkbox"/>
	155	EP	0265532	A1	05-04-1988	Fukuda Denshi Co. Ltd		<input type="checkbox"/>

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		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	156	EP	0375556	A1	06-27-1990	Stmi Soc Tech Milieu Ionisant		<input type="checkbox"/>
	157	EP	0428812	A1	05-29-1991	Consiglio Nazionale Delle Ricerche		<input type="checkbox"/>
	158	EP	0947165	A1	10-06-1999	Nissho KK		<input type="checkbox"/>
	159	GB	1260919		01-19-1972	Spitalul Clinic De Obstetrica Si Ginecolo- Gie Polizu		<input type="checkbox"/>
	160	GB	1550676		08-15-1979	Victers Ltd		<input type="checkbox"/>
	161	GB	2 359 024	A	08-15-2001	Anson Medical Ltd		<input type="checkbox"/>
	162	WO	85/00018	A1	01-03-1985	Medical Developments Ltd		<input type="checkbox"/>
	163	WO	87/04081	A1	07-16-1987	Licencia Talamanyokat		<input type="checkbox"/>
	164	WO	90/04352	A1	05-03-1990	Nellcor Incorp.		<input type="checkbox"/>
	165	WO	91/15996	A1	10-31-1991	Egnell Ameda Limited		<input type="checkbox"/>
	166	WO	92/04864	A1	04-02-1992	Merwe Marius V D		<input type="checkbox"/>
	167	WO	93/05705	A1	04-01-1993	Surgic-Raft Ltd		<input type="checkbox"/>
	168	WO	93/15791	A1	08-19-1993	Dimed Inc.		<input type="checkbox"/>
	169	WO	94/00178	A1	01-06-1994	Schneider USA Inc.		<input type="checkbox"/>
	170	WO	98/07375	A1	02-26-1998	Univ Columbia		<input type="checkbox"/>
	171	WO	99/18870	A1	04-22-1999	Hearten Medical Inc.		<input type="checkbox"/>
	172	WO	99/18864	A1	04-22-1999	Hearten Medical Inc.		<input type="checkbox"/>
	173	WO	99/18862	A1	04-22-1999	Hearten Medical Inc.		<input type="checkbox"/>
	174	WO	00/07506	A2	02-17-2000	Anson Medical Ltd		<input type="checkbox"/>
	175	WO	00/09027	A1	02-24-2000	Keravision, Inc.		<input type="checkbox"/>
	176	WO	01/78596	A1	10-25-2001	Appriva Medical Inc		<input type="checkbox"/>
	177	WO	03/022160	A1	03-20-2003	Core Medical Inc		<input type="checkbox"/>
	178	WO	03/022159	A1	03-20-2003	Core Medical Inc		<input type="checkbox"/>
	179	WO	03/026496	A2	04-03-2003	Ethicon, Inc		<input type="checkbox"/>
	180	WO	03/053493	A2	07-03-2003	NMT Medical Inc		<input type="checkbox"/>
	181	WO	03/071957	A2	09-04-2003	Integrated Vascular (Abbott)		<input type="checkbox"/>
	182	WO	03/082076	A2	10-09-2003	NMT Medical Inc		<input type="checkbox"/>
	183	WO	03/094742	A1	11-20-2003	Velocimed LLC		<input type="checkbox"/>
	184	WO	2004/091411	A2	10-28-2004	Velocimed PFO Inc		<input type="checkbox"/>
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	186	WO	2004/082532	A1	09-30-2004	EV3 Sunnyvale Inc.		<input type="checkbox"/>
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Examiner Signature		Date Considered	
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				Application Number	10/787,532
				Filing Date	February 25, 2004
				First Named Inventor	Malecki, William
				Art Unit	3731
Examiner Name	Unassigned				
Sheet	6	of	8	Attorney Docket Number	022128-000130US

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	188	WO	2005/027753	A1	03-31-2005	St Jude Medical		<input type="checkbox"/>
	189	WO	2005/034738	A2	04-21-2005	Proximare Inc		<input type="checkbox"/>

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			Art Unit	3731	
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Sheet	7	of	8	Attorney Docket Number	022128-000130US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	190	ANZOLA et al., "Potential Source of Cerebral Embolism in Migraine with Aura," <i>Neurology</i> (1999) 52(8): 1622	
	191	CORDIS CORPORATION, Cordis Ducor® Lumeleo™ Eelectrode Catheters [brochure], Cordis Corporation, (December 1984), 2 pages.	
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	195	HO et al., "Morphological Features Pertinent to Interventional Closure of Patent Oval Foramen," <i>J Interventional Cardiology</i> , Vol. 16 No. 1, (2003), pp. 33-34	
	196	KENNEDY et al., "High-burst-Strength, feedback-controlled bipolar vessel sealing," <i>Surg Endosc</i> (1998) 12:876-878	
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	199	MORANDI et al., "Transcatheter Closure of Patent Foramen Ovale: A New Migraine Treatment?" <i>J Interventional Cardiology</i> , (2003), 16(1): 39-42	
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	201	POLGAR et al., "A New Technique for Closed-Chest Human His Bundle Ablation Using Suction Electrode Catheter and DC Shock," In: Perez Gomez F, ed. <i>Cardiac Pacing Electrophysiology Tachyarrhythmias</i> . Madrid, Spain: Grouz Publishers; 1985:1582-1586	
	202	POLGAR et al., "Comparison of Two Different Techniques for Closed-Chest His Bundle Ablation," In: Perez Gomez F, ed. <i>Cardiac Pacing Electrophysiology Tachyarrhythmias</i> . Madrid, Spain: Grouz Publishers; 1985:1578-1587	
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	204	STUART, "What's All the Flap About PFO Closure?," <i>Start-Up: Windhover's Review of Emerging Medical Ventures</i> , (Nov 10, 2004), pp. 9-14	
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